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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 5th Day of June 1998

BEFORE

THE HON'BLE MR. JUSTICE V.P. MOHAN KUMAR

WRIT PETITION NO.11986/1996

AND

W.P.NO.19866 to 19870/1996

BETWEEN:

Hubli Dharwad Municipal
Corporation, Hubli,
by its Commissioner.

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...PETITIONER

(By Sri. Sri. L.M. Pandurangaswamy for
Sri. H.K. Vasudeva Reddy, Adv.)

AND:

1. The State of Karnataka,
by its Labour Commissioner,
Department of Labour,
Office of the Labour Commissioner,
VISL Building, J.C.Road,
Bangalore-2.
 2. The Industrial Tribunal,
Hubli, by its
Presiding Officer.
 3. Shri. Ashok V. Huddar,
major.
 4. Shri. B.M. Gayawale,
major.
 5. Shri. D.K. Desai,
major.
 6. Shri. M.M. Tarihal,
major.
 7. Shri. Syed Mainuddin
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The address of Respondents
3 to 7 is: C/o A.I. Shiddeek,
Advocate, Patil Galli,
Hubli.

...RESPONDENTS

(R-7 impleaded as per C/O. dt. 23-7-96)

(By Sri. S.V. Shastri, Adv. for R-3 to 7)
Sri. T.P. Nambiar, AGA for R-1 & 2)

These Writ Petitions are filed under Articles
226 & 227 of the Constitution of India, with a
prayer to quash Annex-A dt. 9-10-95 and etc.

These Writ Petitions coming on for preliminary
hearing in 'B' Group this day, the Court made the
following:-

O R D E R

Annexure-A award is challenged before me.

The workers in question were employed on daily
wages. They allege that they have put in 240
days of service. While so, their services were
terminated by the petitioner Corporation without
assigning any reason. A dispute was raised by the
workers before the Tribunal. After notice to the
petitioner, an award has been passed calling upon
the Management to restate the workers with full

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backwages. This award is challenged before me.

2. I have heard Mr. L.M. Pandurangaswamy, learned Counsel for the petitioner as also Mr. S.V. Shastri, learned Counsel for the workers.

3. After hearing respective sides, I do not think that this Court should interfere with the award passed by the Tribunal. It is clearly pointed out that the workers in question have put in more than 240 days of service. It is also to be noted that Section 25(F) of the I.D. Act has not been complied with. It is also seen that similarly placed workers have been employed continuously while the workers in question are sent out. There is no reason why these persons are left out denying employment. If the workers have put in 240 days of service and if the same is established, it necessarily follows that they are entitled for protection under the Industrial Dispute Act. There is failure on the part of the

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Petitioner is granted four months time from today to comply with the order. Writ Petitions are disposed off.

Sd/-
JUDGE



ksp/-

bnv/-